

ML 255
01.02.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 545 of 2022

**Bani Das
-versus
The State of West Bengal & Ors.**

**Mr. Sarbananda Sanyal,
Ms. Poulami Chakraborty.
...For the Petitioner.**

**Ms. Sutapa Sanyal,
Ms. Susnita Saha.
...For the State.**

**Mr. Shibasis Chatterjee.
...For the Respondent No.6.**

Affidavit-of-service filed in Court today is taken on record.

None appears on behalf of the Berhampore Municipality in spite of service.

The petitioner complains of illegal and unauthorized construction at the instance of the private respondent.

Reference is made to a communication dated 6th September, 2021 by the Chairperson of Berhampore Municipality intimating the private respondent that the construction made by him is beyond the sanctioned plan. The same is illegal and not permissible as per provision of the West Bengal Municipal Act, 1993. The

private respondent was directed to stop construction immediately.

The petitioner complains that thereafter no steps have been taken by the Municipality to demolish the unauthorized construction.

Learned advocate appearing for the private respondent denies any unauthorized construction made at his instance.

As it appears that the Municipality has already detected unauthorized construction, it is incumbent for the Municipality to take steps for dealing with the same in accordance with law.

Apart from issuing a stop work notice, the Municipality did not take any steps for demolition of the unauthorized construction.

In view of the above, the instant writ petition is disposed of by directing the Berhampore Municipality to take steps for demolition of the unauthorized construction in accordance with law, after giving a reasonable opportunity of hearing to all the necessary parties.

The Municipality shall endeavour to conclude the demolition proceeding at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)